

## JOURNAL OF THE SENATE

Monday, July 2, 1945

The Senate convened at 2:30 o'clock P. M., pursuant to adjournment on Thursday, June 28, 1945.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Carroll	Johns	Riddle
Ausley	Clarke	Johnson	Sanchez
Barringer	Coleman 13th	King 7th	Shands
Baynard	Coleman 28th	King 27th	Sheldon
Beacham	Davis	Lewis	Sturgis
Boyle	Fraser 29th	Lindler	Thomas
Brackin	Fraser 31st	McArthur	Wilson
Branch	Gray	Moon	
Bryant	Griner	Perdue	

—34.

A quorum present.

Senators McKenzie, Black and Mathews were excused from attendance upon the session.

The following prayer was offered by the Chaplain:

"Our Father, help us to fill up on our part that which lacks of the sufferings of Christ. Help us to feel about sin and sorrow as Jesus did. Help us not only to feel but to take on ourselves some of the world's burden today. Teach us to think Thy thoughts after Thee. May Christ dwell in us by the power of the Holy Spirit. Let the words of our mouths, and the meditations of our hearts, be acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen."

The reading of the Journal was dispensed with.

The Journal of Thursday, June 28, 1945, was corrected and as corrected was approved.

#### SENATE CONCURRENT RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution No. 1-X was taken up in its order and the consideration thereof was informally passed.

Senate Concurrent Resolution No. 4-X:

WHEREAS, 1945 State Legislature, in regular session, enacted H. B. 472, known as the Florida Tuberculosis Sanatoria Program; and

WHEREAS, under said program all parts of Florida would benefit by added construction and proper facilities to amply provide care and medical attention for their afflicted tubercular citizens; and

WHEREAS, the 1945 Legislature enacted measures to bring in additional State revenue by the millions of dollars; and

WHEREAS, according to report of State Comptroller, J. M. Lee, the Constitutional officer charged with accounting of State Funds, we now have a General Fund surplus of over \$10,000,000, and a Special Fund deposit of over \$25,000,000, and that the new and increased taxes of the 1945 Legislature, together with anticipated race track revenue will return to Florida an additional tax revenue annually of over \$18,000,000; and

WHEREAS, the Tuberculosis Sanatoria Program required only \$2,500,000, total to be spent over a period of years; and

WHEREAS, Hon. Millard F. Caldwell, without full knowledge of all facts involved, did after the adjournment of the 1945 regular session of the State Legislature, veto said measure, thereby depriving thousands of its benefits for a period of two years; and

WHEREAS, a dire emergency now exists throughout the State of Florida, the State Tuberculosis Hospital, located at Orlando, is now overloaded, is daily refusing and rejecting worthy citizens from every county in Florida. Hundreds of Florida citizens have been refused admittance to present State Hospital and are suffering from the dreaded Tubercular infection; and

WHEREAS, it is the wish, desire and intent of the House of Representatives and the Senate that immediate relief be granted to those unfortunate citizens; now awaiting treatment for Tuberculosis in our State Hospital, to the end that they may be speedily restored to normal life as healthy and productive citizens.

NOW, THEREFORE, BE IT RESOLVED:

That the 1945 State Legislature, now assembled in Extraordinary Session, do by concurrent resolution, urgently request Hon. Millard F. Caldwell, to issue his proclamation, under the Great Seal of the State of Florida, permitting the Legislature, while here assembled for the purpose of reapportioning the Legislature, to take up, consider and pass upon the Florida Tuberculosis Sanatoria Program, H. B. 472, now resting in the Governor's Office with his Veto message attached.

BE IT FURTHER RESOLVED, that upon this request being granted by the Governor, the Legislature consider his Veto message on the State Tuberculosis Sanatoria Program that same be made a special and continuing order of business, to be considered immediately upon the receiving of the Governor's proclamation; and

BE IT FURTHER RESOLVED, that special committee consisting of three members of the Senate and six members of the House of Representatives be appointed by the presiding officers of the respective Houses to deliver to his Excellency this Resolution upon its adoption by both the Senate and House of Representatives.

BE IT FURTHER RESOLVED, that a majority of the members of the House and Senate commit themselves to consider no other business under this proclamation.

Was taken up in its order and read the second time in full.

The question was put on the adoption of the Resolution.

Upon the adoption of Senate Concurrent Resolution No. 4-X the roll was called and the vote was:

Yeas—15.

Mr. President	Fraser 29th	Lindler	Shands
Brackin	Fraser 31st	McArthur	Sheldon
Bryant	Gray	Moon	Thomas
Coleman 13th	Johns	Riddle	

Nays—18.

Ausley	Branch	Johnson	Sanchez
Barringer	Carroll	King 7th	Sturgis
Baynard	Clarke	King 27th	Wilson
Beacham	Davis	Lewis	
Boyle	Griner	Perdue	

So Senate Concurrent Resolution No. 4-X failed of adoption.

#### SENATE BILLS ON SECOND READING

Senate Bill No. 8-X was taken up in its order and the consideration thereof was informally passed.

Senate Joint Resolution No. 13-X:

By Senator Beacham—

S. J. R. No. 13-X—A Resolution proposing to Amend Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 29 of Article III and to Amend Sections 2, 3 and 4 of Article VII of the Constitution of the State of Florida.

WHEREAS, It is now determined by the Legislature of the State of Florida that an emergency exists requiring the early decision by the electors of the State that an amendment to the Constitution of the State of Florida as hereinbefore indicated dealing with Articles III and VII of the said Constitution is necessary or expedient and it is necessary that the Legislature of the State of Florida do now provide for a Special Election to be held not less than Ninety (90) nor more than One Hundred Eighty (180) days after adjournment, and for publication of a notice that at a special election the following proposed Amendment shall be submitted to the electors of the

State for approval or rejection, which Special Election is hereby called to be held on November 6th, 1945 under the provisions of Section 3, Article XVII of the Constitution of Florida as amended by Senate Joint Resolution No. 88 approved at the General Election in 1942, at which Special Election the following Amendment shall be submitted to the electors of the State of Florida for their approval or rejection. Due notice of such election shall be published by the order of the Secretary of State throughout the State of Florida as other notices of the submission to the electors of a proposed Amendment to the Constitution are required to be published:

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:**

That the following Amendment to Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 29 of Article III of the Constitution of the State of Florida and Sections 2, 3 and 4 of Article VII of the Constitution of the State of Florida, shall be submitted to the electors of the State for approval or rejection at and in a Special Election to be held on the 6th day of November, A. D. 1945, at all precincts in the State of Florida.

The expense of such Election shall be paid out of the General Revenue Fund of the State of Florida by the Comptroller on vouchers approved by the Secretary of State for such expense and publication of due notice of such Election shall be made under the order of the Secretary of State throughout the State as other notices of the submission of a proposed Amendment to the Constitution of Florida are required to be published.

Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 29 of Article III of the Constitution of Florida shall be amended to read as follows:

Sec. 1. The legislative authority of the State of Florida shall be vested in a unicameral House of Representatives which shall be designated the Legislature of the State of Florida and the sessions thereof shall be held at the seat of Government of the State.

Sec. 3. The members of the Legislature of the State of Florida shall be chosen biannually beginning with the General Election on the first Tuesday after the first Monday in November 1946, and thereafter on the corresponding date of every second year, except as hereinafter provided.

Sec. 4. Members of the Legislature shall be duly qualified electors in the respective counties and districts from which they are chosen. The pay of members of the Legislature shall be \$15.00 per day for each day of a session and mileage to and from their homes to the seat of Government not exceeding ten cents a mile each way by the nearest and most practicable route.

Sec. 5. No member of the Legislature shall during the time for which he was elected be appointed or elected to any civil office under the Constitution of this State that has been created or the emoluments of which shall have been increased during such time.

Sec. 6. The Legislature shall judge of the qualifications and elections and returns of its own members, choose its own officers and determine the rules of its proceedings. The Legislature shall at the convening of each regular session thereof choose from among its own members a permanent President of the Legislature, who shall be its Presiding Officer, and the President of the Legislature shall be vested with all the powers, and perform all the duties, which have heretofore been vested in, or devolved upon, the President of the Senate. The Legislature shall also choose from among its own members a permanent Vice-President, who shall be the presiding officer in the absence or disqualification of the President, or whenever the President of the Legislature may so designate him to preside. In the event that the office of President of the Legislature shall become vacant, or in the event that said President may become Acting Governor of the State of Florida and that office become vacant, the Vice-President of the Legislature shall become vested with all the powers and duties theretofore belonging to the President of the Legislature. The Legislature may punish its own members for disorderly conduct and may, with the concurrence of 2/3 of all of its members present, expel a member.

Sec. 7. No person holding a lucrative office or appointment under the United States or this State shall be eligible to a seat in the Legislature of this State. All powers and duties heretofore exercised by the State Senate shall be hereafter exercised by the Legislature.

Sec. 8. The seat of a member of the Legislature shall be vacated on his permanent change of residence from the county from which he was elected.

Sec. 9. The Legislature during a session may punish by fine or imprisonment any person not a member who shall have been guilty of disorderly or contemptuous conduct in its presence or of a refusal to obey its lawful summons, but such imprisonment shall not extend beyond the final adjournment of the session.

Sec. 10. The Legislature shall have power to compel the attendance of witnesses upon investigations held by itself or by any of its committees. The manner of the exercise of such power shall be provided by law.

Sec. 11. A majority of the members of the Legislature shall constitute a quorum to do business but a smaller number may adjourn from day to day and compel the presence of absent members and under such penalties as may be prescribed.

Sec. 12. The Legislature shall keep a journal of its proceedings which shall be published and "yeas" and "nays" of the members on any question shall at the desire of any five members present be entered on the journal.

Sec. 13. The doors of the Legislature shall be kept open during its sessions, except that it may hold an executive session during which the doors may be closed. A session of the Legislature may not adjourn for more than five (5) days except upon a 2/3 vote of its members present and shall hold all its sessions at the seat of Government.

Sec. 14. Every bill shall be introduced in the session of the Legislature and its title shall be entered on the journals.

Sec. 29. The Legislature shall have the sole power of impeachment but a vote of 2/3 of all members elected shall be required to impeach an officer and all impeachments shall be tried by the Legislature sitting as a body. When sitting for that purpose each member of the Legislature shall take an oath or affirmation to well and truly try the accused and no person shall be convicted without the concurrence of 2/3 of the members elected. The Legislature may adjourn to a fixed day for trial of any impeachment but the time fixed for such trial shall not be more than six (6) months from the time articles of impeachment shall have been preferred by the Legislature. The Chief Justice of the Supreme Court of the State of Florida shall preside at all trials for impeachment except in the trial of the Chief Justice, when the Governor of the State shall preside. The Governor, Administrative Officers of the Executive Department, Justices of the Supreme Court and Judges of the Circuit Courts shall be liable to impeachment for any misdemeanor in office but the judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State; but, the party convicted or acquitted shall, nevertheless, be liable to indictment, trial and punishment according to law.

Sections 2, 3 and 4 of Article VII of the Constitution shall be amended to read as follows:

Sec. 2. The Legislature shall consist of one member from each county having not more than 25,000 population according to the last State Census, and two members from each county having a population between 25,000 and 75,000 according to the last State Census and three members from each county having between 75,000 and 150,000 population according to the last State Census, and four members from each county having a population of more than 150,000 according to the last State Census. The several counties of the State shall be numbered consecutively according to alphabetical sequence of the respective names; that is to say, Alachua County shall be assigned No. 1 and each county in its alphabetical order shall take a consecutive number through 67, which shall be Washington County. Those representatives elected from the even numbered counties at the first election held under this amendment to the Constitution shall each hold his office for a term of two years and those elected from the odd numbered counties shall each hold his office for a period of four years and all successors shall be elected for a period of four years. The first election to be held under this Amendment shall be on the first Tuesday after the first Monday in November, 1946, and all Senators and Representatives now holding office shall continue in office until that date.

Sec. 3. If and when any new counties are created they shall be entitled to representation in the Legislature as is provided in Section 2 hereof and shall take numbers consecutively after No. 67 in the order in which they are created.

Sec. 4. In the event of vacancy by death, resignation or inability to serve, of any member of the Legislature a Special Election shall be held to elect a successor.

This Amendment shall be known and designated as the 1945 Amendment to Articles III and VII of the Constitution of Florida and is to effectuate the one purpose of creating a unicameral Legislature and abolishing the bicameral Legislature of the State of Florida and shall become effective from and after the first Tuesday after the first Monday in November, 1946, but the Representatives in the Legislature of 1947 shall be nominated in the primaries, or otherwise as may be by law provided, and elected in the General Election of 1946 for the terms as hereinbefore specified.

Was taken up in its order and read the second time in full and placed on the Calendar of Bills on Third Reading.

Senate Joint Resolutions Nos. 14-X and 15-X were taken up in their order and the consideration thereof was informally passed.

Senate Bill No. 16-X was taken up in its order and the consideration thereof was informally passed.

S. B. No. 17-X—A bill to be entitled An Act to apportion the representation of the State of Florida in the Senate of the State of Florida.

Was taken up in its order.

Senator Baynard moved that the rules be waived and Senate Bill No. 17-X be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 17-X was read the second time by title only and placed on the Calendar of Bills on Third Reading.

Senate Joint Resolution No. 18-X was taken up in its order and the consideration thereof was informally passed.

Senator Gray moved that the rules be waived and when the Senate adjourns today it adjourn to reconvene at 2:00 o'clock P. M., Thursday, July 5, 1945.

Upon the adoption of the motion made by Senator Gray the roll was called and the vote was:

Yeas—20.

Ausley	Davis	Johns	Riddle
Brackin	Fraser 29th	Lewis	Sanchez
Branch	Fraser 31st	Lindler	Shands
Clarke	Gray	McArthur	Thomas
Coleman 28th	Griner	Perdue	Wilson

Nays—14.

Mr. President	Barringer	Baynard	Beacham
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Boyle	Coleman 13th	King 27th	Sturgis
Bryant	Johnson	Moon	
Carroll	King 7th	Sheldon	

Which was not agreed to by a two-thirds vote so the motion failed of adoption.

Senator King (7th Dist.) moved that the Senate do now adjourn.

Upon the adoption of the motion made by Senator King (7th Dist.) the roll was called and the vote was:

Yeas—13.

Mr. President	Boyle	King 7th	Sturgis
Barringer	Bryant	King 27th	
Baynard	Carroll	Moon	
Beacham	Johnson	Sheldon	

Nays—20.

Ausley	Davis	Johns	Riddle
Brackin	Fraser 29th	Lewis	Sanchez
Branch	Fraser 31st	Lindler	Shands
Clarke	Gray	McArthur	Thomas
Coleman 28th	Griner	Perdue	Wilson

So the motion failed of adoption.

Senator McArthur, President Pro-Tempore now presiding.

The Presiding Officer announced that Honorable Walter W. Rose, President of the Senate, had just received a telephone call that Mrs. Rose must have an emergency appendectomy at once.

Senator Lewis moved that the President of the Senate be excused from attendance upon the sessions as long as necessary on account of the illness of Mrs. Rose.

Which was unanimously agreed to.

Senator Beacham moved that the Chaplain offer a Prayer for Mrs. Rose at this time.

Which was unanimously agreed to by a rising vote of the Senate.

Whereupon, the Chaplain offered Prayer for the speedy and complete recovery of Mrs. Rose.

Senator Beacham moved that the rules be waived and when the Senate adjourns today it adjourn to reconvene at 4:00 o'clock P. M., Thursday, July 5, 1945.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Beacham moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 4:18 o'clock P. M., until 4:00 o'clock P. M., Thursday, July 5, 1945.